

**ATTORNEY DOCKET NO. 01123.0004  
Application Serial No. 09/509,712**

**REMARKS**

Claims 1-23, 25-29 and 32-44 are pending in the present application. Claims 1-23 and 25-29 are canceled herein. The Examiner has indicated that claims 34-36 are drawn to allowable subject matter. Pursuant to the following remarks, applicants respectfully request reconsideration of the application and allowance of the claims to issue.

Obviousness-type Double Patenting Rejections

Claims 32, 33, 37, 39, 41 and 43 were rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claim 13 of U.S. Patent No. 6,448,000 B1. In order to expedite prosecution, applicants have elected to file a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) to overcome these non-statutory double patenting rejections. The filing of the Terminal Disclaimer is in no way an admission that there is obviousness-type double patenting over U.S. Patent No. 6,448,000 B1. Therefore, applicants respectfully request withdrawal of this rejection as it applies to claims 32, 33, 37, 41 and 43.

The Office Action states that claims 38, 40, 42 and 44 are objected to as being dependent on a rejected base claim (claims 37, 39, 41 and 43, respectively). Since the rejection of claims 32, 33, 37, 39, 41 and 43 has been overcome, applicants respectfully request withdrawal of the objection to claims 38, 40, 42 and 44.

Pursuant to the above remarks, reconsideration and allowance of the pending application is believed to be warranted. The Examiner is invited and encouraged to directly contact the undersigned if such contact may enhance the efficient prosecution of this application to issue.

A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$55.00 for the fee for a small entity under 37 C.F.R. 1.20(d) is enclosed. This amount is

**ATTORNEY DOCKET NO. 01123.0004  
Application Serial No. 09/509,712**

believed to be correct. However, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

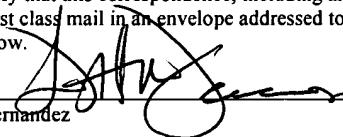
Respectfully submitted,  
NEEDLE & ROSENBERG, P.C.

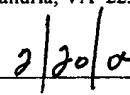
  
Lizette M. Fernandez, Ph.D.  
Registration No. 46,694

NEEDLE & ROSENBERG, P.C.  
Customer Number 23859  
(404) 688-0770  
(404) 688-9880 (fax)

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence, including any items indicated as attached or included, is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date indicated below.

  
\_\_\_\_\_  
Lizette M. Fernandez

  
\_\_\_\_\_  
Date